

A meeting of the Jasper County Board of Zoning Appeals was held Monday, January 25, 2016 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Jim Martin, John Korniak, Scott Walstra and Daniel Reed. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Chris Healey.

Meeting was called to order by Vice President Jim Martin. The Pledge of Allegiance was recited. The first order of business was the call for approval of the November 2015 minutes.

Daniel Reed made the motion to approve the November 2015 minutes. Motion was seconded by John Korniak and carried unanimously.

Election of Officers for 2016

Motion was made by Scott Walstra and seconded by John Korniak to retain the same officers from the previous year. Motion carried unanimously.

Officers for 2016 are as follows:

President ----- Chris Healey
Vice President ----- Jim Martin

Special Exception

Cause#BZA-16-15

Applicant: Matthew Keith Jones

Location: Sec.12-32-6 – Wheatfield Twp. – 100W. N. of 1500N. E-side

Use: Start a business of repairing and assemblage of firearms

Public hearing held pursuant to notice published January 2, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Matthew Jones was present and stated that he would like to get his FFL licenses to do gunsmith work from an existing Pole Barn located at his residence. This is the first step he needs to take before he goes to gunsmith school and get's his license from the ATF. He will be repairing the guns and will have some sales if someone wants to sell their gun legally.

Jim Martin asked if there any other business going on from the property currently?

Matthew Jones replied that he currently boards horses.

Jim Martin stated that there used to be a tack shop located on this property years ago.

Scott Walstra asked if the guns will be tested on site. What kind of guns will you be

repairing? Will you have shotguns or handguns? Is this a full time or part time business? What will your hours be? Will you have guns shipped in and out or will you have people bring them to you?

Matthew Jones replied in the negative. He will go to Jasper Pulaski and test them there. He will have shotguns, handguns but no fully automatic guns. He will have store hours once he gets going. At the beginning it will be part time, but he hopes this will turn into full time. People will bring their guns into him to have them repaired. I can't say that I won't have some people send their guns to be repaired.

Attorney Sammons asked if Mr. Jones plans to make any changes to the outside of the proposed Pole Barn? Do you plan to have any signs located on the property? Will there be any odors or fumes from the proposed business? How many customers do you expect on a daily bases?

Matthew Jones replied in the negative. There will be some changes inside the building (adding security). There are two sliding doors on the barn that he will take off and put a regular garage door up. He may put a sign up on the building, but that's it. There won't be anything stored outside it will all be inside the building. He replied in the negative regarding any odors or fumes from the proposed business. He is not sure as to how many customers he will have on a daily bases. It could change from day to day.

Jim Martin asked if anyone present had any opposition to the application.

Bernard Seegers was present and asked if the proposed business is going in the same building where they held auctions at?

Matthew Jones replied yes he is proposing to run the business where the previous owners held auctions at.

Gerrit DeVries was present and stated that he is concerned about the security.

Matthew Jones replied that the ATF requires him to have burglar and fire alarms. The windows have to be barred up and dead bolts on the doors. He is also going to have gun safes built into the floors so people can't carry them away.

Tom Mathis was present and stated that this is a type 3 home business and he currently doesn't see any type zone for this activity. If we are going to continue to entertain this type of activity he feels there should be some type of zoning for it.

Attorney Sammons stated that the reason the applicant is requesting a special exception is because the Type 3 home business is allowed but does not permit retail sales.

Matthew Jones replied that with the ATF licensing the firearms dealers and gunsmithing are the same licenses. He's not too concerned about the sales part as he is wanting to do the repair part.

Scott Walstra stated that he is concerned with the part about the Code Book stating that there is to be no retail sales. Is there some way to go around that?

Attorney Sammons replied that he doesn't see a way around it or the other option is to apply for a variance. He stated that if the board wants to look at the definition when you're proposing your amendments to the application, if you want to relax that a little to include retail.

Jim Martin stated that a letter was presented to him tonight that the Planning and Development office received in regards to the proposed application. The letter is signed by adjoining landowners: John Clark, Joyce Clark, Rick Sherwood, Cheryl Sherwood, Stacie Martin and Russell Martin. The letter states that they have no objections to the special exception. They do have some suggestions that they would like to have considered as stipulations of our consent to the exception.

1. Any manufacturing processes should take place during what would be considered normal business hours between 7:00am and 5:00pm Monday-Friday.

2. If gunpowder over the amount of 1 pound is kept on the property it should be properly bunkered.

3. This set of stipulations by no means gives our consent to a gun range or a manufacturing facility that will be used for anything other than the stated purpose.

4. Any need to test fire a weapon should be taken to a property gun range, e.g. Jasper-Pulaski.

5. Noise is a concern and it would be appreciated if the neighbors that are in close proximity were considered in some manner as the authority to what is excessive.

6. If any stipulation herein is to be disregarded in this matter our permission/consideration and approval will be revoked. We all believe that this set of stipulations is to ensure safety and neighborly respect.

Matthew Jones replied that he is not going to obtain an ammunition licenses. That is a separate license for what he is wanting to obtain. He doesn't have the facility to test the fire arms that is why he will be going to Jasper-Pulaski fire range. There shouldn't be any more noise there than as there is now with what he does every day.

Scott Walstra stated that what the code book states is basically business hours are 9:00am – 5:00pm or 9:00am – 3:00pm, is that correct?

Mary Scheurich replied affirmatively.

Scott Walstra asked Mr. Jones if the hours of 9:00am – 5:00pm will work for his proposed business?

Matthew Jones replied in the negative. They may be even less hours than that.

Daniel Reed stated that you won't be open during the evenings.

Matthew Jones replied that he wants to try and keep it at 5:00pm, I don't want to go over 5:00pm.

Daniel Reed made the motion to grant approval for the Special Exception with all the facts that have been stated previously. Motion was seconded by John Korniak and carried unanimously.

Jim Martin stated to Mr. Jones that he will not be allowed to place a sign on the property, but a wall sign is allowed on the building that you are proposing to run the business from.

Jim Martin stated that there is a motion to approve the application, and the board must consider the findings of fact in Article 9, Special Exception 9.14 (7)(a)(i) through (vi).

Jim Martin then read these to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

Response: Per A1 zoning these request will fit into the special exception.

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

Response: Nothing we will be doing will harm or hurt the county, I will help with revenue to the county. He will not be firing any guns or store ammunition on the property.

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The proposed special exception is in harmony with all adjacent land uses;

Response: This business will not cause any disruption to the harmony of the residing area. Everything is being done with the building and the outside of the existing building isn't going to be changed.

The board unanimously voted that the applicant met the requirements of (iii).

- iv. The proposed special exception will not alter the character of the district;

Response: The proposed Special Exception will not alter in any way the district. It will improve the district by another small business being added to the area. There is currently a boarding of horses located on the property.

The board unanimously voted that the applicant met the requirements of (iv).

- v. The proposed special exception will not substantially impact property value in and adverse manner; and

Response: It will not in any way affect the property value.

The board unanimously voted that the applicant met the requirements of (v).

- vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

Response: There will not be environmental harm. We will not be producing any by product that will cause the soil or air quality to surrounding properties or water table. There won't be any odor or noise from the proposed business.

The board unanimously voted that the applicant met the requirements of (vi).

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Jim Martin, Vice President